

## **REMARKS**

### **INTRODUCTORY REMARKS**

Upon entry of the present amendment, claims 1-3, 9, 18, 21-24 and 28-39 will be pending and new claims 42 and 43 will have been added. Claims 4-8, 10-17, 19, 20, 25-27 and 40-41 have been previously canceled. Claims 1 and 18 are independent claims, and the remainder of the claims depend either directly or indirectly from either claims 1 or 18.

Initially, Applicants would like to thank the Examiner for his indication that the previous claim objections and rejections under 35 U.S.C. § 112 have been withdrawn. On page 3 of the Official Action (paragraph no. 6), the Examiner indicated that the specification is objected to because the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors, and that the Applicants' cooperation is requested in correcting any errors of which applicant may become aware in the specification. Applicants submit that they are not aware of any errors in the specification and respectfully request that the Examiner remove the objection to the specification.

### **SUMMARY OF THE OFFICE ACTION**

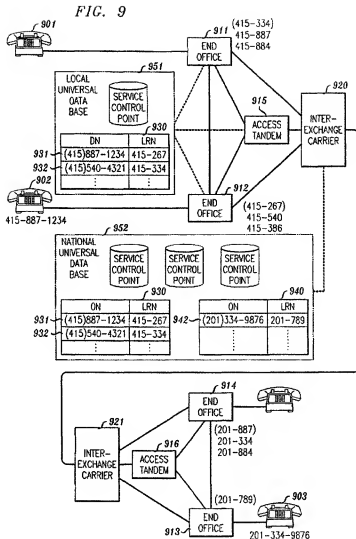
In the outstanding Official Action, claims 1, 9, 28-35, and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. (U.S. Patent No. 5,661,792) in view of BOUGHMAN et al. (U.S. Patent No. 6,570,973). Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. in view of BOUGHMAN et al.,

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further in view of COCHRANE et al. (U.S. Patent No. 6,496,828). Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. in view of BOUGHMAN et al., further in view of KUNG (U.S. Patent No. 5,987,452). Claims 18, 21, 22, 24 and 37-39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable in view of AKINPELU et al. in view of COCHRANE et al., further in view of KUNG. Claim 23 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. in view of COCHRANE et al. in view of KUNG, further in view of ZEBRYK (U.S. Patent No. 4,975,942).

#### **AKINPELU ET AL.**

The AKINPELU et al. patent discloses a telecommunication network and a method for establishing a telecommunications call. On pages 2 and 3, the Official Action relies heavily upon the exemplary teachings of FIG. 9 of AKINPELU et al. and its corresponding description to reject the pending claims. For the convenience of the Examiner, FIG. 9 is reproduced below:



In the telecommunications network of FIG. 9, a **caller** in California uses telephone 901 to dial a Dialed Number (DN) 201-334-9876 of a **called party** at a telephone 903 in New Jersey. The call is identified as being an inter-LATA (interlocal access transport area), and it is routed to an interexchange carrier 920 which accesses a national universal database (NUDB) 952 in order to find the identity of the switch serving the terminating telephone 903 of the **called party** in New Jersey. Specifically, the first 6 digits (201-334) of the DN are analyzed and identified as a

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potentially ported number. Because the number of the *called party* has been ported as indicated in table 940, the response from the NUDB 952 includes the LRN or local routing number (201-789). The call is routed based upon the LRN, and the originating IC switch 920 formulates an SS7 IAM (initial address message) for routing the call to the *called party* in New Jersey.

### THE MAPPING OF CLAIM 1 TO AKINPELU ET AL. IS MISTAKEN

On page 5 of the Official Action, there is an assertion that claim 1 can be mapped to AKINPELU et al. Applicants respectfully disagree. The present invention is directed to the identification of the local service provider of the originating *caller* so that an interexchange carrier (IXC) can determine whether an agreement exists with the local service provider of the originating *caller*, and correctly bill the call, depending upon whether such an agreement exists. (See paragraphs, [0032]-[0034] of the present application.)

The asserted mapping of the Official Action confuses whether it is the identity of the *caller's* local service provider or the identity of the *called party's* local service provider which is being received. In claim 1, it is the identification of the *caller's* local service provider, and not the identity of the *called party's* number or local service provider, as allegedly disclosed in AKINPELU et al. at col. 2, lines 64-66; col. 3, lines 50-54 and col. 4, lines 45-49 or FIG. 9. The asserted mapping of the Official Action also mistakenly confuses the call being *suspended at a switch* as recited in claim 1, with a call being *routed at a switch* as described by AKINPELU et al. at col. 4, lines 1-5. In other words, the call is not suspended at a switch in AKINPELU et al. The asserted mapping of the Official Action states that a local database is queried for number {P23661 00278234.DOC}

portability at col. 3, line 53 – col. 4, lines 5, but the asserted mapping of the Official Action mistakenly confuses the querying of the *caller's* number as recited in claim 1, with the querying of the *called number* as described in AKINPELU et al. (See also FIG. 9 reproduced above.) The asserted mapping of the Official Action alleges that AKINPELU et al. discloses the identification of a database to query from the LNP, determining a type of message to send to the identified database, and launching a query to the identified database, as recited in claim 1.

Applicants disagree and respectfully submit that there is no such teaching in AKINPELU et al. of the claimed identification of the *caller's* number in a database, determining the type of message or launching the claimed query to the identified base. Lastly, the asserted mapping of the Official Action states that a notification is sent to the sender whether an agreement exists at col. 6, lines 20-25 and col. 4, lines 45-49. But the asserted mapping mistakenly confuses the whether an agreement exists with the *caller's* service provider as recited in claim 1, with whether an agreement exists with the *called number's* service provider as allegedly described in AKINPELU et al. For all of the reasons stated above, it is respectfully submitted that AKINPELU et al. does not disclose the features of claim 1, and claim 1 cannot be mapped to AKINPELU et al. as asserted on pages 5 and 6 of the Official Action.

## BOUGHMAN

The secondary reference cited in the Official Action, BOUGHMAN, does not cure or supply any of the deficient teachings of AKINPELU et al. BOUGHMAN simply determines whether a *called number* is a toll call (See, Fig. 2, steps 51-52.) Accordingly, the Official Action

has not established a *prima facie* case of obviousness, and the Examiner is respectfully requested to withdraw the rejection of claim 1 based upon 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. in view of BOUGHMAN et al.

## INDEPENDENT CLAIM 18 IS PATENTABLE

Claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable in view of AKINPELU et al. in view of COCHRANE et al., further in view of KUNG. Claim 18 is directed to a system for identifying a local service provider of a *caller* associated with a telephone call from the caller to a called party. Accordingly, claim 18 cannot be mapped to AKINPELU et al. for substantially the same reasons that independent claim 1 cannot be mapped to AKINPELU et al.

Claim 18 includes a gateway having a plurality of platforms configured to dynamically load share requests, the gateway receiving a request in a first format requesting an identification of the local service provider of the *caller*. The gateway is configured to determine one of a plurality of message types in which to query an identified database, the identified database being determined as a result of sending a request in a second format distinct from the first format to an LNP database. A response is received from the LNP database, to launch a query to the identified database, and to receive an identification of the local service provider of the *caller*. The gateway determines the message type based upon a cost associated with each of a plurality of available message types and based upon a message type supported by the identified database. Since AKINPELU et al., COCHRANE et al. and KUNG do not disclose an identification of the local

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service provider of the *caller*, as required by claim 18, it is respectfully submitted that the Office Action has failed to establish a *prima facie* of obviousness with respect to claim 18. Applicants also submit that none of the references relied upon by the Examiner, in any proper combination, disclose the claimed combination of features recited in claim 18. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim independent 18.

### THE DEPENDENT CLAIMS

Thus, Applicants submit that independent claims 1 and 18 are in condition for allowance. With regard to dependent claims 2, 3, 9, 21-24, 28-39, 42 and 43, Applicants assert that they are allowable on their own merit, in addition to being allowable by depending either directly or indirectly from independent claims 1 or 18, which Applicants have shown to be allowable.

### NEW CLAIMS 42 AND 43

New claims 42 and 43 relate to a method and system in which the claimed requests include queries and responses, and the first and second formats of the requests enable the queries and responses to be correlated. The claimed correlation of the queries and requests enables the identification of the local service provider of the *caller* to occur in real time. Applicants respectfully submit that none of the cited references taken alone or in combination disclose the claimed real time identification of the service provider of the *caller* as recited in claims 42 and 43. Accordingly, Applicants respectfully submit that new claims 42 and 43 are further patentable over the cited prior art.

## CONCLUSION

Applicants submit that the present application is in condition for allowance, and respectfully request an indication to that effect.

If any extension of time is necessary, this is an express request for any necessary extension of time and authorization to charge any required extension of time fee or any other fees which may be required to preserve the pendency of the present application to Deposit Account No. 19-0089.


Any amendments to the claims which have been made in this Reply, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attached thereto.

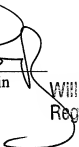
Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

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